

# HOUSE JOURNAL

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SEVENTY-SEVENTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

SIXTH DAY — MONDAY, JANUARY 22, 2001

The house met at 1:00 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 6).

Present — Mr. Speaker; Alexander; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Pickett; Pitts; Puente; Ramsay; Rangel; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smithee; Solis; Solomons; Swinford; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough.

Absent, Excused — Allen; Craddick; Eiland; Green; Hawley; Talton.

Absent — Garcia; Lewis, R.; Olivo; Smith; Zbranek.

The invocation was offered by Reverend Don Coleman, retired director, Baptist Student Ministries at Sam Houston State University, Huntsville, as follows:

Heavenly Father, accept our thanks and praise for all that you have done for us. We thank you for the blessings of family and friends, and for the loving care that surrounds us on every side. We thank you for men and women who accept tasks that demand their best efforts, that drives them to accept the challenge to lead our state into the future. We thank you also for the disappointments and failures that lead us to acknowledge our dependence on you alone. May we be guided with a sense of your direction.

We pray that you will forgive us for not listening, for jumping to conclusions, for criticizing others so quickly, for not trying to understand. O God, we want to care and to help. Teach us your way.

We celebrate the assurance of your love, the abiding joy of your presence, and the wonder of your redemption. Because we have received so much, teach us by the example of Christ how to live lovingly, joyfully, and sacrificially.

In this world so filled with bitterness, selfishness, and mistrust, a world looking for help and assurance, fill us with the power of your grace and hope.

Make us bold enough to make good decisions for the good of all people. May your will be done here and may your program be carried out, above party and personality, beyond time and circumstance, for the good of Texas and the peace of the world. Through Jesus Christ, our Lord. Amen.

### **LEAVES OF ABSENCE GRANTED**

The following members were granted leaves of absence for today because of important business:

Allen on motion of Janek.

Hawley on motion of Cook.

The following members were granted leaves of absence for today because of important business in the district:

Green on motion of Corte.

Talton on motion of Denny.

The following member was granted leave of absence for today and the remainder of the week because of a death in the family:

Craddick on motion of Keel.

The following member was granted leave of absence for today because of illness:

Eiland on motion of Bonnen.

### **BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 1).

### **CAPITOL PHYSICIAN**

The speaker recognized Representative Mowery who presented Dr. Linda Siy of Fort Worth as the "Doctor for the Day."

The house welcomed Dr. Siy and thanked her for her participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

### **MESSAGE FROM THE SENATE**

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

(Zbranek now present)

### **HR 73 - ADOPTED (by Telford and Sadler)**

Representative Telford moved to suspend all necessary rules to take up and consider at this time **HR 73**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 73**, Recognizing January 22, 2001, as Association of Texas Professional Educators Day at the State Capitol.

**HR 73** was read and was adopted without objection.

On motion of Representative Swinford, the names of all the members of the house were added to **HR 73** as signers thereof.

### INTRODUCTION OF GUESTS

The speaker recognized Representative Telford, who introduced the state officers of the Association of Texas Professional Educators.

### BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 2).

#### HR 82 - ADOPTED (by Wise)

Representative Wise moved to suspend all necessary rules to take up and consider at this time **HR 82**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 82**, In recognition of Cynthia M. Fountain being accorded the title of honorary Texan.

**HR 82** was adopted without objection.

#### HR 50 - ADOPTED (by Cook)

Representative Cook moved to suspend all necessary rules to take up and consider at this time **HR 50**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 50**, In memory of Eula Goss Wintermann.

**HR 50** was unanimously adopted by a rising vote.

#### HCR 12 - ADOPTED (by Pickett)

Representative Pickett moved to suspend all necessary rules to take up and consider at this time **HCR 12**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HCR 12**, Granting permission to the YMCA Youth and Government Program to use the chambers of the senate and house of representatives,

auditorium, and committee rooms on January 25-28, 2001, and on January 24-27, 2002.

**HCR 12** was adopted without objection.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING  
AND REFERRAL TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Olivo now present)

**ADJOURNMENT**

Representatives Cook and Danburg moved that the house adjourn until 10 a.m. tomorrow in memory of Eula Goss Wintermann of Eagle Lake and Ellen Ada O'Neill of Houston.

The motion prevailed without objection.

The house accordingly, at 1:50 p.m., adjourned until 10 a.m. tomorrow.

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**ADDENDUM**

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**REFERRED TO COMMITTEES**

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

**List No. 1**

**HB 1** (By Junell), General Appropriations Bill.  
To Appropriations.

**HB 2** (By Gallego), Relating to the regulation of certain political contributions, political expenditures, and political advertising; providing civil and criminal penalties.  
To Elections.

**HB 12** (By Ehrhardt, Telford, Flores, Clark, Pitts, et al.), Relating to a statewide group insurance program for employees and retirees of school districts.

To Teacher Health Insurance, Select.

**HB 13** (By Corte), Relating to liability for injury arising from a motor vehicle accident.  
To Civil Practices.

**HB 14** (By Corte), Relating to the expulsion of students for assault of school employees.  
To Public Education.

**HB 15** (By Corte), Relating to license plates for persons with disabilities.  
To Transportation.

**HB 16** (By Corte), Relating to a late application by a disabled veteran for an exemption from ad valorem taxation.  
To Ways & Means.

**HB 17** (By Corte), Relating to regulation of abortion.  
To State Affairs.

**HB 18** (By Corte), Relating to disclosure of assets by certain judgment debtors.  
To Civil Practices.

**HB 19** (By Corte), Relating to personal representatives of decedents' estates and the regulation of attorneys representing those personal representatives.  
To Judicial Affairs.

**HB 20** (By Corte), Relating to the application of the sales tax to certain real property services provided by municipalities.  
To Ways & Means.

**HB 21** (By Corte), Relating to punishment for the sale of an alcoholic beverage to a minor.  
To Licensing & Administrative Procedures.

**HB 22** (By Corte), Relating to the punishment and eligibility for parole of certain defendants convicted of sexual assault, aggravated sexual assault, or indecency with a child.  
To Criminal Jurisprudence.

**HB 23** (By Corte), Relating to personal leave for public school employees who are assaulted at work.  
To Public Education.

**HB 24** (By Corte), Relating to protection of injured parties by certain limitations on the amount of attorney's contingency fees after a settlement or settlement offer.  
To Civil Practices.

**HB 25** (By Corte), Relating to requiring municipalities to comply with the Private Real Property Rights Preservation Act.  
To Land & Resource Management.

**HB 26** (By McClendon), Relating to the study of barriers to the binational exchange of health information.  
To Public Health.

**HB 27** (By McClendon and Kitchen), Relating to supplemental annuity payments by the Teacher Retirement System of Texas.  
To Pensions & Investments.

**HB 28** (By McClendon and Christian), Relating to credit in the Employees Retirement System of Texas for military service.  
To Pensions & Investments.

**HB 29** (By McClendon, et al.), Relating to the computation of benefits payable by the Teacher Retirement System of Texas.

To Pensions & Investments.

**HB 30** (By McClendon and Olivo), Relating to the punishment for a capital offense.

To Criminal Jurisprudence.

**HB 31** (By McClendon), Relating to the punishment for the offense of burglary of a vehicle.

To Criminal Jurisprudence.

**HB 32** (By McClendon), Relating to the composition of the governing board of the Texas Department of Economic Development.

To Economic Development.

**HB 33** (By McClendon), Relating to requiring manufactured home rental communities to comply with county subdivision regulations.

To Land & Resource Management.

**HB 34** (By McClendon), Relating to the authority of municipalities to use economic development funds to provide educational and job training opportunities.

To Economic Development.

**HB 35** (By McClendon), Relating to the meeting of a governmental body held by videoconference call.

To State Affairs.

**HB 36** (By McClendon), Relating to the waiver of a trial by jury.

To Criminal Jurisprudence.

**HB 37** (By McClendon), Relating to the appointment of and the authority of the public interest counsel.

To State Affairs.

**HB 38** (By McClendon), Relating to the Texas Natural Resource Conservation Commission's consideration of cumulative risks in certain administrative proceedings.

To Environmental Regulation.

**HB 39** (By McClendon, Olivo, and Edwards), Relating to removing the executive director as a party in hearings before the Texas Natural Resource Conservation Commission.

To Environmental Regulation.

**HB 40** (By McClendon), Relating to the first instructional day of a school year for public school students.

To Public Education.

**HB 41** (By McClendon), Relating to the members of the Texas Transportation Commission.

To Transportation.

**HB 42** (By McClendon), Relating to the authority of The Texas A&M University System to conduct a feasibility study regarding the creation of a doctor of medicine degree program at Prairie View A&M University.

To Higher Education.

**HB 43** (By McClendon), Relating to the consideration of income earned by certain recipients of Temporary Assistance for Needy Families benefits for eligibility determination purposes.

To Human Services.

**HB 44** (By McClendon), Relating to the siting of solid waste facilities, the Texas Natural Resource Conservation Commission's consideration of cumulative risks in certain administrative proceedings, and notice of an application for a municipal solid waste facility.

To Environmental Regulation.

**HB 45** (By McClendon), Relating to a mile-based rating plan for motor vehicle insurance.

To Insurance.

**HB 46** (By McClendon), Relating to the availability of governmental information about motor vehicle accidents.

To Public Safety.

**HB 47** (By McClendon), Relating to the automatic admission of certain undergraduate transfer students.

To Higher Education.

**HB 48** (By McClendon), Relating to workforce development services provided by the Texas Workforce Commission under a contract with a local workforce development board.

To Economic Development.

**HB 49** (By McClendon), Relating to the release of certain workers' compensation records to certain persons.

To Business & Industry.

**HB 50** (By Chavez), Relating to a state funding allotment for health insurance and other health care benefits for public school employees.

To Teacher Health Insurance, Select.

### **SIGNED BY THE SPEAKER**

The following bills and resolutions were today signed in the presence of the house by the speaker:

**House List No. 1**

**HCR 76**

**Senate List No. 2**

**SCR 13**

### **MESSAGES FROM THE SENATE**

The following messages from the senate were today received by the house:

**Message No. 1****MESSAGE FROM THE SENATE  
SENATE CHAMBER**

Austin, Texas

Monday, January 22, 2001

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

**THE SENATE HAS PASSED THE FOLLOWING MEASURES:****HCR 1** Goolsby SPONSOR: Truan

Granting the legislature permission to adjourn for more than three days beginning on Wednesday, January 17, 2001, and ending on Monday, January 22, 2001.

Respectfully,

Betty King  
Secretary of the Senate

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**APPENDIX**

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**ENROLLED****January 17 - HCR 76**